

## **REMARKS**

The Examiner had indicated that a new title of the invention is required. Accordingly, Applicant has provided a new title. In addition, the Examiner had requested that serial numbers of co-pending applications be provided on page 1, and that typographical errors on page 1 be corrected. Applicant has accordingly provided the serial numbers and corrected the typographical errors.

Claims 1 – 7 were pending in the application. Claims 1 – 20 have been canceled. Claims 21 - 40 have been added. Claims 21 – 40 remain pending in the application.

Claims 1 – 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mutalik et. al. (U.S. 6,360,330) (hereinafter, “Mutalik”) in view of Ohran (U.S. 6,085,298). Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mutalik in view of Dunham et. al. (U.S. 6,714,952). Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mutalik in view of Kodama et. al. (U.S. 6,542,962). Applicant respectfully traverses these rejections. However, as Applicant has canceled Claims 1-7, Applicant believes these rejections to be moot.

New independent Claim 21 recites a limitation of “validating that the set of data corresponding to the frozen image has not been modified after an initiation of the backup operation”. Support for this limitation is found at least on page 16, lines 21-29 and in FIG. 2 of

the present application. Applicant can find no teaching or suggestion of this limitation in the art cited by the Examiner, and therefore believes Claim 21 to be allowable. New independent Claim 31 also includes a limitation using similar language, and is therefore believed to be allowable. As remaining Claims 22 - 30 and 32 - 40 depend upon the independent claims 21 and 31, Claims 22 - 30 and 32 - 40 are also believed to be allowable.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

No fees are believed necessary; however, if any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5760-16800.

Respectfully submitted,



B. Noël Kivlin  
Registration No. 33,929

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.

P.O. Box 398

Austin, Texas 77253-3267

(512) 853-8840

Date: 3-10-95